

NYT-2/24/71

Senators Hear of Threat of a 'Dossier Dictatorship'



The New York Times/George Tames

Senator Sam J. Ervin Jr., subcommittee chairman, showing a two-inch square of microfilm he said contained 773,746 words, the same number as 1,245-page Bible before him.

By **RICHARD HALLORAN**

Special to The New York Times

WASHINGTON, Feb. 23—The private life of the average American is the subject of 10 to 20 dossiers of personal information in the files and computer data banks of Government and private agencies, a Senate subcom-

mittee was told today. Two lawyers and a social scientist testified that most Americans are only vaguely aware of the extent to which they are watched, contending that the controls over abuse of information gathering and dissemination are limited. One said that the chilling ef-

fect of snooping was leading the nation toward a "dossier dictatorship," Senator Sam J. Ervin Jr., Democrat of North Carolina, the chairman of the Subcommittee on Constitutional Rights, opened nine days of hearings on the

Continued on Page 24, Column 3

Continued From Page 1, Col. 7

problem of making computerized information systems serve society and the individual citizen without suppressing political liberties.

"These amazing machines and devices not only expand the memory of man a trillion-fold," Senator Ervin said, "they extend enormously his ability to retrieve instantly the information stored, integrate it with other information, and send it across country or around the world."

The Senator hoisted an 11-pound, 1,245-page family Bible and then displayed a two-inch square strip of microfilm, each containing 773,746 words, to il-

lustrate technical progress in the storage of information.

"Someone remarked that this meant the Constitution could be reduced to the size of a pinhead," he said. "I said I thought maybe that was what they had done with it in the Executive branch because some of those officials could not see it with their naked eyes."

Prof. Arthur R. Miller of the University of Michigan Law School, the lead-off witness at the hearing, contended that "Americans are scrutinized, measured, watched, counted, and interrogated by more Government agencies, law-enforcement officials, social scientists, and poll-takers than at any time in our history."

Professor Miller, author of a book entitled "The Assault on Privacy," said that "probably in no nation on earth is as much individualized information collected, recorded, and disseminated as in the United States."

He argued that "the information gathering and surveillance activities of the Federal Government have expanded to such an extent that they are becoming a threat to several basic rights of every American—privacy, speech, assembly, association, and petition of government."

Dossier System Cited

"Whether he knows it or not," Professor Miller said, "each time a citizen files a tax return, applies for life insurance or credit card, seeks Government benefits, or interviews for a job, a dossier is opened under his name and an informational profile on him is sketched."

He said that everywhere a person goes, he leaves electronic tracks "that can tell a great deal about our activities, movements, habits, and association when collated and analyzed."

"The lack of concern over these data-gathering activities probably reflects the fact that by and large they are well-intended efforts to achieve socially desirable objectives," the professor observed.

He cited law-enforcement agencies that combat organized crime or the Army mission to help quell civil disturbances.

But he contended that "there are no effective restraints on the national Government's information activities and no has-

undertaken to insure that individuals are protected against the misuse of the burgeoning data banks."

Hruska Cites Restraints

Senator Roman L. Hruska, Republican of Nebraska, disagreed. He argued that he knew of many legal restraints on the gathering and divulging of information and warned against impairing the activities of the Federal Bureau of Investigation and other law-enforcement agencies.

Professor Miller, however, persisted and said:

"It is simply unrealistic to assume that the managers or proprietors of computer systems—Governmental or private—will take it upon themselves to protect the public against misuse of the data in their custody.

"Information is being gathered, recorded, and disseminated with a let-George-Do-It philosophy that is putting us on the pathway toward a dossier dictatorship."

Among the personal data-collection efforts cited by Professor Miller and other witnesses were:

The Department of Housing and Urban Development's adverse information file, the National Science Foundation's data bank on scientists, the Customs Bureau's computerized suspects file, the Secret Service's dossiers on "undesirables," the Army's domestic intelligence operations.

Also, the F.B.I.'s national crime information center, the New York State identification and intelligence system, the Police Department files on political activists in every major city, the Office of Education's migrant worker children data bank and the Department of Housing and Urban Development's file on loan applicants.

One of the witnesses described these files as only the tip of the iceberg.

Another witness, Burt Neuborne, a lawyer with the American Civil Liberties Union, testified:

"The tone of spontaneity of spirit which characterizes a free society cannot survive in an atmosphere where all deviations from the norm are immediately noted by the state

and stored for future reference."

"The chilling effect of pervasive surveillance will inevitably destroy any society's capacity for dissent, non-conformity and heterodoxy," Mr. Neuborne said. "Subtract those elements from a libertarian democracy and you have totalitarianism."

Dr. Jerry M. Rosenberg, a New York psychotherapist, testified that "today man lives in an atmosphere dominated by the machine."

He said that "what is most disturbing to the American population is the undemocratic process which starts at birth to make people believe that they are unable to say 'no' to divulging personal information, thus perpetuating a collection of data that will follow them for the remainder of their lives—frozen in time and the computer."

Representative Edward I. Koch, Democrat of Manhattan, also appeared briefly at the hearing to urge adoption of his Federal privacy bill.

It would require each Government agency keeping records on individuals to notify him that the record exists, to notify him when information is transferred to another agency, to disclose information only with his consent or when legally required, to maintain a record of all persons with access to the file, and to permit the individual to inspect his records, copy them, and to put supplementary or explanatory information in them.